

ISSUE Are the “passing signals” in Rule 34 clear to mariners when confronted with the scenario presented in the investigation report, i.e., three or more vessels meeting, crossing and/or overtaking simultaneously?

INVITATION TO NAVSAC

1. Review Board of Investigation Report.
2. Discuss Rule 34 specifically to determine if it provides adequate guidance to mariners in the situation at hand, or if the lack of clarity may have contributed to the casualty.
3. Discuss other Rules of the Road violations that you deem appropriate in the case.

BACKGROUND

There are situations where mariners allege that by following the rules, they may worsen the situation. The case in point involves two large container ships colliding in a heavy squall. As the squall is descending, one container ship is overtaking several small vessels prior to meeting the other container ship.

The proximate cause of this casualty was the failure of the pilot and master on both vessels to navigate with appropriate caution for existing conditions in compliance with the applicable Rules of the Road and navigation safety regulations. Numerous Rules of the Road violations were cited. In their endorsement, the Fifth Coast Guard District recommended that the Rules of the Road be examined and specifically mentioned “Rules for “passing signals” when three or more vessels are simultaneously meeting, crossing and/or overtaking.”

Commandant (G-MMI) disagreed that the Rules of the Road needed to be examined as numerous violations of the Rules were documented in the conclusions. They concluded that failure to adhere to the Rules, not deficiencies in the Rules, was a factor in the casualty. The cause of the casualty is not in dispute.

MSO Providence requested that NAVSAC review Rule 34 to ensure that its meaning is clear and not confusing or subject to different interpretations when three or more vessels are meeting, crossing and/or overtaking simultaneously. A review of NAVSAC and RORAC transcripts reveals that they have not previously reviewed Rule 34 in the context of the present circumstances.

A recent survey of Commandant action taken on the investigation report recommendations relating to the Rules of the Road, VTS, DGPS and selected issues revealed the following:

1. **Recommendation 2:**MSO-3 evaluated the need for a regulatory change and determined that it wasn't necessary.
2. **Recommendation 7:**The feasibility of this recommendation was investigated and it was determined to be a State issue.
3. **Recommendation 11:**Has not been implemented due to reorganization.
4. **Recommendation 15:**No action.
5. **Recommendation 16:**No action.
6. **Recommendation 19:**G-MOV investigated the need for a VTS in the Hampton Roads area and determined through the Port Needs Study that this collision was unique and not VTS preventable.
7. **Recommendation 20:**On 30 January 1997, DGPS was declared to be in its initial operational capability stage with 51 sites on line. Full operational capability will be declared when all operational and support performance requirements are met.